

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 8/3/10

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:
EVAN WEINER and TIMOTHY McCLAUSLAND, :
on behalf of themselves and all others :
similarly situated, :

Plaintiffs, :

07 Civ. 8742 (DLC)

-v- :

ORDER

SNAPPLE BEVERAGE CORPORATION, :
Defendant. :

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DENISE COTE, District Judge:

For the reasons stated in the August 3, 2010 Opinion filed
under seal, it is hereby

ORDERED that plaintiffs' March 12, 2010 motion for class
certification is denied for failure to satisfy the predominance
requirement pursuant to Rule 23(b)(3), Fed. R. Civ. P.

IT IS FURTHER ORDERED that plaintiffs' April 27, 2010
motion to exclude the expert testimony of Keith Ugone is denied.

IT IS FURTHER ORDERED that defendant's April 9, 2010 motion
to exclude the expert testimony of Alan Goedde is granted.

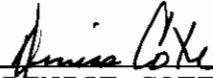
IT IS FURTHER ORDERED that defendant's April 9, 2010 motion
to exclude the expert testimony of Lauran Schultz is denied as
moot.

IT IS FURTHER ORDERED that the parties shall submit a joint
letter to Chambers by **August 5, 2010 at noon** identifying any

words or phrases that should be redacted from the version of the August 3, 2010 Opinion to be filed in the public record.

SO ORDERED:

Dated: New York, New York
August 3, 2010



DENISE COTE
United States District Judge